

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

**FRANK MUCERINO III and
CREEKSIDE TERRACE LLC,**

Plaintiffs

v.

CHARLES JOSHUA DALE MARTIN,

Defendant

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Case No. 3:21-cv-00284

**DEFENDANT’S MOTION TO EXTEND TIME TO FILE PETITION UNDER THE
TENNESSEE PUBLIC PARTICIPATION ACT**

Defendant Charles Joshua Dale Martin moves the Court to extend the time for filing a petition to dismiss this case under the Tennessee Public Participation Act, Tenn. Code Ann. § 20-17-101, *et seq.* In support of this Motion, Defendants states:

1. On April 14, 2021, Plaintiffs served Defendant with the Complaint asserting claims for defamation, among other causes of action. (*See* DE #6.)
2. On May 4, 2021, the Court entered an Order extending Defendant’s time to file a responsive pleading and ordered a discovery conference to discuss Defendant’s request to conduct jurisdictional discovery. (*See* DE #8.)
3. On May 10, 2021, the Court entered an Order lifting the stay of discovery so the parties could engage in jurisdictional discovery. (*See* DE #9.)
4. Defendant believes the Tennessee Public Participation Act, Tenn. Code Ann. § 20-17-101, *et seq.* (the “TPPA”), affords him defenses to Plaintiffs’ defamation claims.

5. To assert defenses under the TPPA, Defendant must file a petition with the Court “within sixty (60) calendar days from the date of service of the legal action or, in the court’s discretion, at any later time that the court deems proper.” Tenn. Code Ann. § 20-17-104(b).

6. Defendant’s deadline for filing a petition under the TPPA is June 14, 2021.

7. The parties are currently engaged in jurisdictional discovery.

8. Pursuant to the authority granted the Court under Tenn. Code Ann. § 20-17-104(b), Defendant moves the Court to extend Defendant’s deadline to file a TPPA petition until after the parties conclude jurisdictional discovery and either (1) advise the Court that Defendant will not challenge the Court’s subject matter jurisdiction, or (2) if Defendant challenges the Court’s subject matter jurisdiction, after the Court resolves Defendant’s motion to dismiss for lack of subject matter jurisdiction.

9. Counsel for the Plaintiffs has advised Counsel for the Defendant that Plaintiffs oppose the relief sought in this Motion.

For these reasons, Defendant moves the Court to extend the time to file a petition under the Tennessee Public Participation Act, Tenn. Code Ann. § 20-17-101, *et seq.*

Respectfully submitted,

/s/ John P. Nefflen

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CERTIFICATE OF SERVICE

I certify that on June 7, 2021, the foregoing *DEFENDANT'S UNOPPOSED MOTION TO EXTEND TIME TO FILE PETITION UNDER THE TENNESSEE PUBLIC PARTICIPATION ACT* was filed electronically with this Court and served by operation of the Court's Case Management / Electronic Case Filing System on:

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/s/ John P. Nefflen
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